

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF EAST KENTUCKY)
NETWORK, LLC D/B/A APPALACHIAN)
WIRELESS FOR DESIGNATION AS AN) CASE NO. 2005-00045
ELIGIBLE TELECOMMUNICATIONS)
CARRIER)

FIRST DATA REQUEST OF COMMISSION STAFF TO
EAST KENTUCKY NETWORK, LLC D/B/A APPALACHIAN WIRELESS

East Kentucky Network, LLC d/b/a Appalachian Wireless ("Applicant") is requested, pursuant to 807 KAR 5:001, to file with the Commission the original and 5 copies of the following information, with a copy to all parties of record. The information requested herein is due May 9, 2005. Each copy of the data requested should be placed in a bound volume with each item tabbed. When a number of sheets are required for an item, each sheet should be appropriately indexed, for example, Item 1(a), Sheet 2 of 6. Include with each response the name of the person who will be responsible for responding to questions relating to the information provided. Careful attention should be given to copied material to ensure that it is legible. Where information requested herein has been provided, in the format requested herein, reference may be made to the specific location of said information in responding to this information request.

1. Describe in detail the information about common ownership, operating management, operating name, other affiliates and operating entities of East Kentucky Network, LLC.

2. Identify areas in which the Applicant seeks designation as an Eligible Telecommunications Carrier ("ETC") where there is more than one carrier designated as an ETC.

3. Of those areas in which there is more than one ETC already designated, provide an explanation of the additional benefits that will accrue to customers in those areas.

4. Identify those facilities that will be used that are leased from other carriers, if any.

5. Provide a list of and description of the service offerings of the Applicant, including number of minutes of use, rates, and calling scope.

6. Provide a map depicting the service area boundary for the Applicant's service territory.

7. Identify any gaps (areas where wireless phone service is unavailable) in any of the areas in which ETC designation is sought.

8. How will toll limitation service for Lifeline customers be provided?

9. How will Lifeline and Link-up services be provided?

10. For each rural telephone company serving area in which the Applicant seeks ETC designation, identify the number of customers currently served by the Applicant.

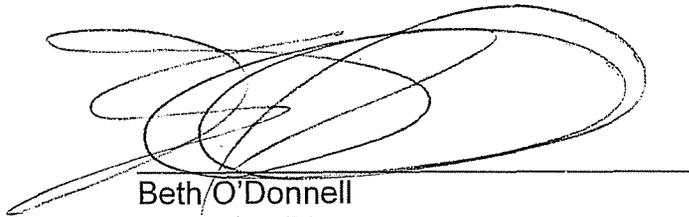
11. Are there any areas in the Applicant's service area in which you do not provide 911 Service? If yes, identify the areas and the reason(s) why.

12. Are there any areas in the Applicant's service area in which you do not provide E911 Service? If yes, identify the areas and the reason(s) why.

13. On February 28, 2005, the Federal Communications Commission ("FCC") issued a press release summarizing its adoption of additional requirements for ETCs proceedings. (See Appendix A.) The FCC has encouraged states to adopt these same requirements. As described in the press release, provide the information described in (1) Eligibility Requirements.

14. With regard to Item (2), Public Interest Determinations, describe how public interest standards will be met.

15. The application at pages 12 and 13 describes the steps to be taken when a customer requests service and the request cannot be served by existing network facilities. With regard to the fifth step, what mechanisms are in place to provide resold service to customers?



Beth O'Donnell
Executive Director
Public Service Commission
P. O. Box 615
Frankfort, Kentucky 40602

DATED April 25, 2005

cc: All Parties

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2005-00045 DATED April 25, 2005.

NEWS

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Federal Communications Commission
445 12th Street, S.W.
Washington, D. C. 20554

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

FOR IMMEDIATE RELEASE:
February 28, 2005

NEWS MEDIA CONTACT:
Mark Wigfield, 202-418-0253
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FCC ADOPTS ADDITIONAL REQUIREMENTS FOR ELIGIBLE TELECOMMUNICATIONS CARRIER PROCEEDINGS

Action Creates a More Rigorous Eligible Telecommunications Carrier Designation Process for Receiving Federal Universal Service Support

Washington, D.C. – The Federal Communications Commission (Commission), on February 25, 2005, adopted measures addressing the minimum requirements for a telecommunications carrier to be designated as an “eligible telecommunications carrier” or “ETC,” and thus eligible to receive federal universal service support. Consistent with the recommendations of the Federal-State Joint Board on Universal Service (Joint Board), the Commission adopted additional mandatory requirements for ETC designation proceedings in which the Commission acts pursuant to section 214(e)(6) of the Communications Act of 1934, as amended (the Act). In addition, as recommended by the Joint Board, states that exercise jurisdiction over ETC designations pursuant to section 214(e)(2) of the Act, are encouraged to adopt these requirements when deciding whether a common carrier should be designated as an ETC. Following is a brief summary of the decision:

- (1) **Eligibility Requirements** – In satisfying its burden of proof necessary to obtain ETC designation, an ETC applicant must now: 1) provide a five-year plan demonstrating how high-cost universal service support will be used to improve its coverage, service quality or capacity throughout the service area for which it seeks designation; 2) demonstrate its ability to remain functional in emergency situations; 3) demonstrate that it will satisfy consumer protection and service quality standards; 4) offer local usage plans comparable to those offered by the incumbent local exchange carrier (LEC) in the areas for which it seeks designation; and 5) acknowledge that it may be required to provide equal access if all other ETCs in the designated service area relinquish their designations. In addition, these requirements are made applicable on a prospective basis to all ETCs previously designated by the Commission, and such ETCs are required to submit evidence demonstrating how they comply with this new ETC designation framework by October 1, 2006.
- (2) **Public Interest Determinations** – The Commission clarifies that its public interest examination for ETC designations will review many of the same factors for ETC designations in areas served by non-rural and rural incumbent LECs,

including the benefits of increased consumer choice and the unique advantages and disadvantages of the competitor's service offering. In addition, as part of its public interest analysis, the Commission will examine the potential for creamskimming effects in instances where an ETC applicant seeks designation below the study area level of a rural incumbent LEC.

- (3) **Annual Certification and Reporting Requirements** – Each ETC designated by the Commission, including those designated prior to this decision, must submit on an annual basis: 1) progress updates on its five-year service quality improvement plan; 2) detailed information on outages in the ETC's network; 3) how many requests for service from potential customers were unfulfilled for the past year and the number of complaints per 1,000 handsets or lines; and 4) certifications that the ETC is complying with applicable service quality standards and consumer protection rules, is able to function in emergency situations, is offering a local usage plan comparable to that offered by the incumbent LEC in the relevant service areas, and acknowledge that the Commission may require it to provide equal access to long distance carriers.
- (4) **Other Issues** – The Commission also: 1) agrees with the Joint Board's recommendation that the Commission's procedures for redefinition proceedings do not warrant a change at this time; 2) grants certain pending petitions for redefinition of rural incumbent LEC study areas; 3) modifies the Commission's annual high-cost certification and line count filing deadlines so that newly designated ETCs are permitted to file these data within sixty days of their ETC designation date, and modifies the quarterly interstate access support certification filing schedule; and 5) delegates authority to the Universal Service Administrative Company, in accordance with direction from the Wireline Competition Bureau, to develop standards for the submission of any maps that ETCs are required to submit under Commission rules.

Action by the Commission, February 25, 2005, by Report and Order (FCC 05-46).
Chairman Powell, Commissioners Abernathy, Copps, and Adelstein with Commissioner Martin approving in part and dissenting in part.

-FCC-

Docket No.: CC 96-45

Wireline Competition Bureau Staff Contact: Thomas Buckley at 202-418-7400.

News about the Federal Communications Commission can also be found
on the Commission's web site www.fcc.gov.